



Comptroller General  
of the United States

Washington, D.C. 20548

*Lillian Ellis*

## Decision

**Matter of:** Military Equipment Corporation of America

**File:** B-253708

**Date:** June 11, 1993

Robert C. Mehlin for the protester.

### DIGEST

General Accounting Office (GAO) is without jurisdiction to consider a protest of a procurement conducted by the Navy Exchange Service Command because that Command is a nonappropriated fund activity and as such is not a federal agency over which GAO has statutory bid protest authority.

### DECISION

Military Equipment Corporation of America protests the specifications in solicitation No. NNA250-93-R-0024, issued by the Navy Exchange Service Command (NESC).

We dismiss the protest because we have no jurisdiction over procurements by NESC since it is not a federal agency.

Our bid protest jurisdiction is limited to procurements of federal agencies. 31 U.S.C. § 3551 (1988); 4 C.F.R. § 21.1(a). A federal agency is:

"any executive department or independent establishment in the executive branch, including any wholly owned government corporation, and any establishment in the legislative or judicial branch, except the Senate, the House of Representatives and the Architect of the Capitol and any activities under his direction." 4 C.F.R. § 21.0(c).

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NESC is a nonappropriated fund activity of the government; as such it is not a federal agency as that term is used in the law authorizing our bid protest review role. 4 C.F.R. § 21.3(m)(8). Since the entity here is not a federal agency, we are without jurisdiction to consider the protest. Centex Construction Co., Inc., Mar. 7, 1990, 90-1 CPD ¶ 256.

The protest is dismissed.

*Ronald Berger*

Ronald Berger  
Associate General Counsel